

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GILEAD SCIENCES, INC. and)	
GILEAD CALISTOGA, LLC,)	
)	
Plaintiffs,)	
)	C.A. No. 22-852 (RGA)
v.)	
)	
NATCO PHARMA LIMITED,)	
)	
Defendant.)	

GILEAD SCIENCES, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 22-1259 (RGA)
)	
NATCO PHARMA LIMITED,)	
)	
Defendant.)	

CONSENT JUDGMENT AND DISMISSAL ORDER

These actions for patent infringement having been brought by Plaintiff Gilead Sciences, Inc. and/or Gilead Calistoga, LLC (hereafter, collectively, “Plaintiffs”) against defendant Natco Pharma Limited (“Natco”) for infringement of U.S. Patent Nos. RE44,599, RE44,638, 8,865,730, 9,469,643, 9,492,449 and 10,730,879;

Plaintiffs and Natco (the “Parties”) having agreed to the terms and conditions in a confidential Settlement and License Agreement (the “Agreement”) and accordingly, having agreed to terminate the pending litigation by the entry of this Judgment and Order; and

The Parties now consent to this Judgment and Order.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. This Court has jurisdiction over the Parties and subject matter of this action.

2. All affirmative defenses, claims and counterclaims, which have been raised by Plaintiffs against Natco and its Affiliates, or by Natco and its Affiliates against Plaintiff, in this action are hereby dismissed without prejudice.

3. Except as otherwise provided by the Parties' Agreement, Natco and its Affiliates are hereby enjoined from making, having made, using, having used, offering for sale, having offered for sale, selling, or having sold in the United States, or importing or having imported into the United States, the product of ANDA No. 216921. For purposes of this Judgment and Order, "Affiliates" means, with respect to a person, any other person controlling, controlled by or under common control with such person, but only as long as such control continues, where control and its correlates, as used in this definition, means (a) the ownership of at least fifty percent (50%) of the equity or beneficial interest of such other person, (b) the right to vote for or appoint a majority of the board of directors or other governing body of such other person, or (c) the power, whether pursuant to contract, ownership of securities, or otherwise, to direct the management and policies of such other person.

4. The Parties waive all right to appeal from this Judgment and Order.

5. This Court shall retain jurisdiction of this action and over the parties for purposes of enforcement of the provisions of this Judgment and Order.

6. Each Party is to bear its own costs and attorneys' fees.

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August 21, 2023

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SO ORDERED this 22 day of August, 2023.

/s/ Richard G. Andrews

UNITED STATES DISTRICT JUDGE